

REMARKS

In the non-final Office Action, the Examiner objected to the specification for a minor informality; rejected claims 1, 6-11, 24, 25, 29-40, 60, 61, 64-68, and 78 under 35 U.S.C. § 101 as directed to nonstatutory subject matter; rejected claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89 under 35 U.S.C. § 102(e) as anticipated by Zha et al. (U.S. Patent No. 7,028,027); and rejected claims 1, 12, 25, 42, 61, 69, and 78 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 5, 18, 30, 52, 75, 87, and 100 of co-pending Application No. 10/407,476 in view of Zha et al.

By this Amendment, Applicants amend claims 1, 6-12, 24, 25, 30, 32, 40, 42, 60, 61, 69, 78, 79, 88, and 89 to improve form. Applicants previously canceled claims 2-5, 13-16, 23, 26-28, 41, 43, 44, 59, 62, 63, 70, 71, 77, and 80-82, without prejudice or disclaimer of the subject matter thereof. Applicants respectfully traverse the Examiner's double patenting rejection and the rejections under 35 U.S.C. §§ 101 and 102. Claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89 are pending.

OBJECTION TO SPECIFICATION

In paragraph 2 of the Office Action, the Examiner objected to the specification due to a minor informality. In particular, the Examiner requested that the phrases "programming country," at page 8, lines 11 and 12, be replaced with "programming language." Applicants hereby make this correction.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the specification.

REJECTION UNDER SECTION 101

In paragraph 3 of the Office Action, the Examiner rejected claims 1, 6-11, 24, 25, 29-40, 60, 61, 64-68, and 78 under 35 U.S.C. § 101 as allegedly being directed to nonstatutory subject matter. Without acquiescing in the Examiner's rejection of claims 1, 6-11, 25, 29-40, 61, and 64-68, but solely to expedite prosecution, Applicants have amended independent claims 1, 25, and 61 to recite that the system is "implemented within a computing device." Applicants submit that this claim language clearly makes claims 1, 25, and 61 (and corresponding dependent claims 6-11, 29-40, and 64-68) statutory.

Also, without acquiescing in the Examiner's rejection of claims 24, 60, and 78, but solely to expedite prosecution, Applicants have amended independent claims 24, 60, and 78 to change "An apparatus" to "A computing device." Applicants submit that this claim language clearly makes claims 24, 60, and 78 statutory.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 6-11, 24, 25, 29-40, 60, 61, 64-68, and 78 under 35 U.S.C. § 101.

REJECTION UNDER SECTION 102(e) BASED ON ZHA ET AL.

In paragraph 5 of the Office Action, the Examiner rejected claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89 under 35 U.S.C. § 102(e) as allegedly anticipated by Zha et al. Applicants respectfully traverse the rejection with regard to claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the

claim. See M.P.E.P. § 2131. Zha et al. does not disclose the combination of features recited in claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89.

Amended independent claim 1, for example, is directed to a system implemented within a computing device. The system comprises a country selector dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on information in a data repository and provided from a plurality of search result countries, the at least one preferred country being determined based on characteristics of the search query or the search results; an interface characterizer determining the at least one preferred country using interface characteristics when the country selector is unable to determine the at least one preferred country based on characteristics of the search query or the search results, the interface characteristics comprising at least one country received by a user interface from which the search query was received; a search result orderer determining an order for presenting the search results and adjusting the determined order for at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country; and a presenter presenting the search results in the adjusted order.

Zha et al. does not disclose or suggest the combination of features recited in amended claim 1. For example, Zha et al. does not disclose or suggest a country selector dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on information in a data repository and provided from a plurality of search result countries, the at least one preferred country being determined based on characteristics of the search query or the search results. Instead, Zha et al. discloses that one or

more classifications (e.g., one or more country classifications) and corresponding weights are selected by a user via a user interface (col. 6, lines 10-28), or are provided by a manager of the search engine (col. 6, lines 33-44). Zha et al. does not disclose or suggest that the classifications and corresponding weights are determined based on characteristics of a search query or search results, as would be required by claim 1.

The Examiner alleged that Zha et al. discloses a country selector dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on information in a data repository and provided from a plurality of search result countries, and cited column 3, lines 52-67, of Zha et al. for support (Office Action, pages 3 and 4). Without acquiescing in the Examiner's allegation, Applicants submit that Zha et al. does not disclose or suggest a country selector dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on information in a data repository and provided from a plurality of search result countries, the at least one preferred country being determined based on characteristics of the search query or the search results, as required by amended claim 1.

At column 3, lines 52-67, Zha et al. discloses:

As a result, the user may receive a list of documents in which documents that are associated with a particular classification value will be seen sooner than other documents. The other documents not so associated may remain in the list, but at a lower location. By selecting classification values that are likely to segregate documents according to the interests of a user of a particular search engine that is located at a particular Internet site, those who manage the search engine may enable the search engine to produce results that are especially ranked and organized for users of the search engine. For example, those who manage a search engine that is located at an Internet site in France may implement regional classifications and associate a relatively high weight to a French regional classification value in order to promote, in a list of search results, documents that are associated with France.

In this section, Zha et al. discloses a technique for adjusting the rank of a document within a list of ranked documents. The technique determines whether a document is associated with one or more classifications (e.g., one or more country classifications), and may enable a search engine manager to associate weights based on one or more classifications. Nowhere in this section, or elsewhere, does Zha et al. disclose or suggest a country selector dynamically determining at least one preferred country applicable to search results generated responsive to a search query executed on information in a data repository and provided from a plurality of search result countries, where the at least one preferred country is determined based on characteristics of the search query or the search results, as required by claim 1.

For at least these reasons, Applicants submit that claim 1 is not anticipated by Zha et al. Claims 6-11 depend from claim 1 and are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claim 1.

Amended independent claim 12 recites features similar to, but possibly different in scope from, features recited in claim 1. Claim 12 is, therefore, not anticipated by Zha et al. for at least reasons similar to reasons given with regard to claim 1. Claims 17-22 depend from claim 12 and are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claim 12.

Amended independent claim 24 recites features similar to, but possibly different in scope from, features recited in claim 1. Claim 24 is, therefore, not anticipated by Zha et al. for at least reasons similar to reasons given with regard to claim 1.

Amended independent claim 25 is directed to a system implemented within a computing device. The system comprises a parser receiving a search query; an indexer executing a search by evaluating the search query against information from a plurality of countries that is

maintained in a searchable data repository, and identifying search results based on the search; a country promoter dynamically determining at least one preferred country applicable to the search results based on characteristics of the search query, ordering the search results, and adjusting the ordering of at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country; a user interface characterizer determining a country received by a user interface; and a country selector selecting the country as the at least one preferred country when the country promoter is unable to determine the at least one preferred country based on characteristics of the search query.

Zha et al. does not disclose or suggest the combination of features recited in amended claim 24. For example, Zha et al. does not disclose or suggest a country promoter dynamically determining at least one preferred country applicable to the search results based on characteristics of the search query, ordering the search results, and adjusting the ordering of at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country. Instead, Zha et al. discloses that one or more classifications (e.g., one or more country classifications) and corresponding weights are selected by a user via a user interface (col. 6, lines 10-28), or are provided by a manager of the search engine (col. 6, lines 33-44). Zha et al. does not disclose or suggest that the classifications and corresponding weights are determined based on characteristics of a search query, as would be required by claim 25.

The Examiner alleged that Zha et al. discloses a country promoter dynamically determining at least one preferred country applicable to the search results, ordering the search results, and adjusting the ordering of at least one of the search results among other ones of the

search results based on whether the at least one of the search results is from the at least one preferred country, and cited column 3, lines 15-65, of Zha et al. for support (Office Action, page 8). Without acquiescing in the Examiner's allegation, Applicants submit that Zha et al. does not disclose or suggest a country promoter dynamically determining at least one preferred country applicable to the search results based on characteristics of the search query, ordering the search results, and adjusting the ordering of at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country, as required by amended claim 25.

At column 3, lines 15-65, Zha et al. discloses a technique for adjusting the rank of a document within a list of ranked documents. The technique determines whether a document is associated with one or more classifications (e.g., one or more country classifications). If so, the technique determines whether any classifications are also associated with a weight. If one or more of the classifications that are associated with the document are also associated with a weight, then the rank of the document is adjusted based on the most significant weight that is associated with a classification that is associated with the document. Nowhere in this section, or elsewhere, does Zha et al. disclose or suggest a country promoter that dynamically determines at least one preferred country applicable to the search results based on characteristics of the search query, as required by amended claim 25.

For at least these reasons, Applicants submit that claim 25 is not anticipated by Zha et al. Claims 29-40 depend from claim 25 and are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claim 25.

Amended independent claim 42 is directed to a method that comprises receiving a search

query; executing a search by evaluating the search query against information from a plurality of search result countries that is maintained in a searchable data repository; determining at least one preferred country applicable to search results generated responsive to the executed search based on characteristics of the search results; determining a country received by a user interface; selecting the country as the at least one preferred country when the at least one preferred country cannot be determined based characteristics of the search results; and ordering at least some of the search results based on the at least one preferred country, where the order of one of the search results among other ones of the search results is based on whether the one of the search results is from the at least one preferred country.

Zha et al. does not disclose or suggest the combination of features recited in amended claim 42. For example, Zha et al. does not disclose or suggest determining at least one preferred country applicable to search results generated responsive to the executed search based on characteristics of the search results. Instead, Zha et al. discloses that one or more classifications (e.g., one or more country classifications) and corresponding weights are selected by a user are received via a user interface (col. 6, lines 10-28), or are provided by a manager of the search engine (col. 6, lines 33-44). Zha et al. does not disclose or suggest that the classifications and corresponding weights are determined based on characteristics of search results, as would be required by claim 42.

The Examiner rejected claim 42 by generally referring to the rejection of claims 1, 6-12, 17-22, 24, 25, and 29-40 (Office Action, page 11). For at least the reasons given above, Applicants submit that Zha et al. does not disclose or suggest determining at least one preferred

country applicable to search results generated responsive to the executed search based on characteristics of the search results, as required by claim 42.

For at least these reasons, Applicants submit that claim 42 is not anticipated by Zha et al. Claims 45-58 depend from claim 42 and are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claim 42.

Amended independent claims 60, 61, 69, 78, 79, 88, and 89 recite features similar to, yet possibly different in scope from, features recited in claim 1. Claims 60, 61, 69, 78, 79, 88, and 89 are, therefore, not anticipated by Zha et al. for at least reasons similar to reasons given with regard to claim 1. Claims 64-68 depend from claim 61, claims 72-76 depend from claim 69, and claims 83-87 depend from claim 79. Claims 64-68, 72-76, and 83-87 are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claims 61, 69, and 79, respectively.

Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89 under 35 U.S.C. § 102(c) based on Zha et al.

OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

In paragraph 7 of the Office Action, the Examiner rejected claims 1, 12, 25, 42, 61, 69, and 78 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 5, 18, 30, 52, 75, 87, and 100 of co-pending Application No. 10/407,476 in view of Zha et al. Applicants respectfully traverse this rejection.

Without acquiescing in the Examiner's rejection, but simply to expedite prosecution, Applicants submit concurrently herewith a Terminal Disclaimer, disclaiming the terminal part of

the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on co-pending Application Number 10/407,476, as such term is defined in 35 U.S.C. §§ 154 and 173. The Terminal Disclaimer should render moot the obviousness-type double patenting rejection.

For at least the foregoing reasons, Applicants respectfully request the reconsideration and withdrawal of the judicially created doctrine of obviousness-type double patenting rejection of claims 1, 12, 25, 42, 61, 69, and 78 as allegedly unpatentable over claims 5, 18, 30, 52, 75, 87, and 100 of co-pending Application No. 10/407,476 in view of Zha et al.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants reserve the right to analyze and

dispute such assertions in the future.

If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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